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6 SIEMENS PRODUCT LIFECYCLE
MANAGEMENT SOFTWARE INC.
7 (formerly known as UGS CORP.)

8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO/OAKLAND DIVISION
11

12 VANESSA FLINT, Individually and On
Behalf of All Others Similarly Situated,

13 Plaintiffs,
14

15 v.

16 UGS CORPORATION and DOES 1
through 100, inclusive,

17 Defendants.
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Case No. C 07 4640 MJJ

**ANSWER AND AFFIRMATIVE
DEFENSES**

1 TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT
2 COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, PLAINTIFF
3 VANESSA FLINT, AND TO HER ATTORNEYS OF RECORD:

4 COMES NOW Defendant Siemens Product Lifecycle Management Software Inc.
5 (“Defendant”) and hereby answers the First Amended Class and Representative Action Complaint
6 (“Complaint”) filed on behalf of Plaintiff Vanessa Flint (“Plaintiff”) as follows:

7 **ANSWER**

8 1. Paragraph 1 of the Complaint consists of a “summary of claims” containing
9 introductory statements and descriptions that do not require a response. To the extent a response
10 is required, Defendant lacks information sufficient to form a belief as to the truth of the
11 allegations set forth therein and on that basis denies each and every allegation contained therein.

12 1. In answering Paragraph number 1 [sic] of the Complaint, Defendant admits that
13 Plaintiff is a resident of California and that Plaintiff was employed by Defendant in California
14 during the Class Period. Except as expressly admitted, Defendant lacks information sufficient to
15 form a belief as to the truth of the allegations contained in Paragraph 1 and on that basis denies
16 each and every allegation contained therein.

17 2. In answering Paragraph number 2 of the Complaint, Defendant admits that it is a
18 corporation organized under the laws of the State of Delaware and has its principal place of
19 business in the State of Texas. Defendant admits that it is qualified to and does business in the
20 State of California. Defendant admits that it is a leading global provider of product lifecycle
21 management software and services. Except as expressly admitted, Defendant denies each and
22 every allegation contained therein.

23 3. In answering Paragraph number 3 of the Complaint, Defendant admits that it is an
24 employer under California law. Except as expressly admitted, Defendant denies each and every
25 allegation contained therein.

26 4. Paragraph 4 of the Complaint consists of allegations that do not require a response.
27 To the extent a response is required, Defendant lacks information sufficient to form a belief as to
28 the truth of the allegations and on that basis denies each and every allegation contained therein.

1 5. In answering Paragraph number 5 of the Complaint, Defendant lacks information
2 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
3 allegation contained therein.

4 6. Defendant denies each and every allegation contained in Paragraph 6 of the
5 Complaint.

6 7. In answering Paragraph number 7 of the Complaint, Defendant lacks information
7 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
8 allegation contained therein.

9 8. In answering Paragraph number 8 of the Complaint, Defendant lacks information
10 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
11 allegation contained therein.

12 9. In answering Paragraph number 9 of the Complaint, Defendant lacks information
13 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
14 allegation contained therein.

15 10. In answering Paragraph number 10 of the Complaint, Defendant lacks information
16 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
17 allegation contained therein.

18 11. In answering Paragraph number 11 of the Complaint, Defendant lacks information
19 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
20 allegation contained therein.

21 12. In answering Paragraph number 12 of the Complaint, Defendant lacks information
22 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
23 allegation contained therein.

24 13. In answering Paragraph number 13 of the Complaint, Defendant lacks information
25 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
26 allegation contained therein.

27 14. In answering Paragraph number 14 of the Complaint, Defendant lacks information
28 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every

1 allegation contained therein.

2 15. In answering Paragraph number 15 of the Complaint, Defendant lacks information
3 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
4 allegation contained therein.

5 16. In answering Paragraph number 16 of the Complaint, Defendant lacks information
6 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
7 allegation contained therein.

8 17. In answering Paragraph number 17 of the Complaint, Defendant lacks information
9 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
10 allegation contained therein.

11 18. In answering Paragraph number 18 of the Complaint, Defendant lacks information
12 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
13 allegation contained therein.

14 19. In answering Paragraph number 19 of the Complaint, Defendant lacks information
15 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
16 allegation contained therein.

17 20. In answering Paragraph number 20 of the Complaint, Defendant admits that during
18 the Class Period Defendant was aware of the duties performed by Plaintiff Flint. Except as
19 expressly admitted, each and every allegation contained in Paragraph 20 is denied.

20 21. Defendant denies each and every allegation contained in Paragraph 21 of the
21 Complaint.

22 22. In answering Paragraph number 22 of the Complaint, Defendant admits that
23 Defendant did not provide Plaintiff Flint with semimonthly itemized statements of the total
24 number of hours worked. Defendant denies that it has shielded itself from scrutiny or concealed
25 wrongdoing. Except as expressly so admitted, Defendant lacks information sufficient to form a
26 belief as to the truth of the allegations set forth in Paragraph 22 and on that basis denies each and
27 every allegation contained therein.

28 23. Defendant denies each and every allegation contained in Paragraph 23 of the

1 Complaint.

2 24. Defendant denies each and every allegation contained in Paragraph 24 of the
3 Complaint.

4 25. In answering Paragraph number 25 of the Complaint, Defendant lacks information
5 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
6 allegation contained therein.

7 26. Defendant denies each and every allegation contained in Paragraph number 26 of
8 the Complaint.

9 27. Paragraph 27 of the Complaint consists of a description of the purported class that
10 does not require a response. To the extent that any response is required, each and every allegation
11 is denied.

12 28. Paragraph 28 of the Complaint consists of a definition that does not require a
13 response. To the extent that any response is required, each and every allegation is denied.

14 29. In answering Paragraph number 29 of the Complaint, Defendant lacks information
15 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
16 allegation contained therein.

17 30. In answering Paragraph number 30 of the Complaint, Defendant lacks information
18 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
19 allegation contained therein.

20 31. In answering Paragraph number 31 of the Complaint, Defendant lacks information
21 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
22 allegation contained therein.

23 32. In answering Paragraph number 32 of the Complaint, Defendant lacks information
24 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
25 allegation contained in Paragraph 32 and each of its subparts.

26 33. In answering Paragraph number 33 of the Complaint, Defendant lacks information
27 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
28 allegation contained therein.

1 34. In answering Paragraph number 34 of the Complaint, Defendant lacks information
2 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
3 allegation contained therein.

4 35. In answering Paragraph number 35 of the Complaint, Defendant lacks information
5 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
6 allegation contained therein.

7 36. In answering Paragraph number 36 of the Complaint, Defendant lacks information
8 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
9 allegation contained therein.

10 37. In answering Paragraph number 37 of the Complaint, Defendant lacks information
11 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
12 allegation contained therein.

13 38. Paragraph 38 of the Complaint describes Plaintiff's purported claim and does not
14 require a response. To the extent that this Paragraph also contains allegations, each and every
15 allegation is denied.

16 39. In answering Paragraph number 39 of the Complaint, Defendant incorporates the
17 above responses by reference as if set forth fully herein.

18 40. In answering Paragraph number 40 of the Complaint, Defendant denies each and
19 every allegation regarding Plaintiff Flint. Except as expressly so denied, Defendant lacks
20 information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 40
21 and on that basis denies each and every allegation contained therein.

22 41. Defendant denies each and every allegation contained in Paragraph number 41 of
23 the Complaint.

24 42. Defendant denies each and every allegation contained in Paragraph 42 of the
25 Complaint.

26 43. Defendant denies each and every allegation contained in Paragraph 43 of the
27 Complaint.

28 44. Defendant denies each and every allegation contained in Paragraph 44 of the

1 Complaint.

2 45. Defendant denies each and every allegation contained in Paragraph 45 of the
3 Complaint.

4 46. In answering Paragraph number 46 of the Complaint, Defendant incorporates the
5 above responses by reference as if set forth fully herein.

6 47. In answering Paragraph number 47 of the Complaint, Defendant denies each and
7 every allegation regarding Plaintiff Flint. Except as expressly so denied, Defendant lacks
8 information sufficient to form a belief as to the truth of the allegations and on that basis denies
9 each and every allegation contained therein.

10 48. In answering Paragraph number 48 of the Complaint, Defendant denies each and
11 every allegation regarding Plaintiff Flint. Except as expressly so denied, Defendant lacks
12 information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 48
13 and on that basis denies each and every allegation contained therein.

14 49. In answering Paragraph number 49 of the Complaint, Defendant denies each and
15 every allegation regarding Plaintiff Flint. Except as expressly so denied, Defendant lacks
16 information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 49
17 and on that basis denies each and every allegation. contained therein

18 50. In answering Paragraph number 50 of the Complaint, Defendant denies each and
19 every allegation regarding Plaintiff Flint. Except as expressly so denied, Defendant lacks
20 information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 50
21 and on that basis denies each and every allegation contained therein.

22 51. Defendant denies each and every allegation contained in Paragraph 51 of the
23 Complaint.

24 52. Defendant denies each and every allegation contained in Paragraph 52 of the
25 Complaint.

26 53. In answering Paragraph number 53 of the Complaint, Defendant incorporates the
27 above responses by reference as if set forth fully herein.

28 54. In answering Paragraph number 54 of the Complaint, Defendant admits that

1 Defendant did not provide Plaintiff Flint with semimonthly itemized statements of the total
2 number of hours worked. Except as expressly so admitted, Defendant lacks information
3 sufficient to form a belief as to the truth of the allegations set forth in Paragraph 54 and on that
4 basis denies each and every allegation contained therein.

5 55. Defendant denies each and every allegation contained in Paragraph 55 of the
6 Complaint.

7 56. In answering Paragraph number 56 of the Complaint, Defendant denies each and
8 every allegation regarding Plaintiff Flint. Except as expressly so denied, Defendant lacks
9 information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 56
10 and on that basis denies each and every allegation contained therein.

11 57. Paragraph 57 of the Complaint describes relief that Plaintiff purports to seek, and
12 for that reason no response is required. To the extent that a response is required, each and every
13 allegation is denied.

14 58. In answering Paragraph number 58 of the Complaint, Defendant incorporates the
15 above responses by reference as if set forth fully herein.

16 59. Defendant denies each and every allegation contained in Paragraph 59 of the
17 Complaint.

18 60. Defendant denies each and every allegation contained in Paragraph 60 of the
19 Complaint.

20 61. Paragraph 61 of the Complaint describes relief that Plaintiff purports to seek, and
21 for that reason no response is required. To the extent that any response is required, each and
22 every allegation is denied.

23 62. In answering Paragraph number 62 of the Complaint, Defendant incorporates the
24 above responses by reference as if set forth fully herein.

25 63. In answering Paragraph number 63 of the Complaint, Defendant denies each and
26 every allegation regarding Plaintiff Flint. Except as expressly so denied, this paragraph describes
27 relief that Plaintiff purports to seek, and for that reason no response is required, and to the extent
28 that any response is required, each and every allegation is denied.

1 64. In answering Paragraph number 64 of the Complaint, Defendant lacks information
2 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
3 allegation contained therein.

4 65. Defendant denies each and every allegation contained in Paragraph 65 of the
5 Complaint.

6 66. Defendant denies each and every allegation contained in Paragraph 66 of the
7 Complaint.

8 67. Defendant denies each and every allegation contained in Paragraph 67 of the
9 Complaint.

10 68. Defendant denies each and every allegation contained in Paragraph 68 of the
11 Complaint.

12 69. Defendant denies each and every allegation contained in Paragraph 69 of the
13 Complaint.

14 70. Defendant denies each and every allegation contained in Paragraph 70 of the
15 Complaint.

16 71. Paragraph 71 of the Complaint describes relief that Plaintiff purports to seek, and
17 for that reason no response is required. To the extent that a response is required, each and every
18 allegation is denied.

19 72. Paragraph 72 of the Complaint describes relief that Plaintiff purports to seek, and
20 for that reason no response is required. To the extent that a response is required, each and every
21 allegation is denied.

22 73. In answering Paragraph number 73 of the Complaint, Defendant incorporates the
23 above responses by reference as if set forth fully herein.

24 74. Defendant denies each and every allegation contained in Paragraph 74 of the
25 Complaint.

26 75. In answering Paragraph number 75 of the Complaint, Defendant lacks information
27 sufficient to form a belief as to the truth of the allegations and on that basis denies each and every
28 allegation contained therein.

1 7. Plaintiff's Complaint, and all causes of action contained therein, are barred
2 because Plaintiff was at all times relevant herein exempt from the overtime provisions of the
3 California Labor Code, the wage orders of the California Industrial Welfare Commission and/or
4 applicable federal law.

5 8. To the extent discovery discloses a factual basis for this defense, Plaintiff's claims
6 are barred in whole or in part because Plaintiff lacks standing.

7 9. Plaintiff is not entitled to any equitable or injunctive relief as prayed for in the
8 Complaint because Plaintiff has suffered no irreparable injury based on any alleged conduct of
9 Defendant, and Plaintiff has an adequate remedy at law for any such alleged conduct.

10 10. Plaintiff is barred from seeking monetary damage for claims under Business and
11 Professions Code Section 17200, *et seq.*

12 11. Defendant's conduct was at all times privileged, undertaken in good faith or
13 justified under California law.

14 12. To the extent discovery may disclose a factual basis for this defense, Plaintiff is
15 barred from recovering any damages, or any recovery must be reduced, by virtue of Plaintiff's
16 failure to exercise reasonable diligence to mitigate her alleged damages.

17 13. To the extent discovery disclose a factual basis for this defense, Plaintiff's
18 Complaint, and all purported causes of action alleged therein, are barred by the doctrine of laches.

19 14. To the extent discovery disclose a factual basis for this defense, Plaintiff's
20 Complaint, and all purported causes of action alleged therein, are barred by the doctrine of
21 estoppel.

22 15. To the extent discovery disclose a factual basis for this defense, Plaintiff's
23 Complaint, and all purported causes of action alleged therein, are barred by the doctrine of
24 consent.

25 16. To the extent discovery disclose a factual basis for this defense, Plaintiff's
26 Complaint, and all purported causes of action alleged therein, are barred by the doctrine of
27 waiver.

28 17. To the extent discovery disclose a factual basis for this defense, Plaintiff's

1 Complaint, and all purported causes of action alleged therein, are barred by the doctrine of
2 unclean hands.

3 18. Plaintiff's purported claims are barred, in whole or in part, or recovery is
4 precluded because Defendant's conduct was not willful.

5 19. Plaintiff is not entitled to recover any punitive or exemplary damages as prayed for
6 in the Complaint on the ground that any award of punitive or exemplary damages under
7 California law, as applied to the facts of this specific action, would violate Defendant's
8 constitutional rights under provisions of the United States and California Constitutions, including
9 but not limited to the Due Process Clauses of the Fifth and Fourteenth Amendments of the United
10 States Constitution and the Excessive Fines and Cruel and Unusual Punishment Clauses of the
11 Eighth Amendment of the United States Constitution.

12 20. Defendant has engaged attorneys to represent it in defense of Plaintiff's unfounded
13 and unreasonable action and Defendant thus is entitled to an award of reasonable attorney's fees
14 and costs pursuant to Labor Code Section 218.5 or Code of Civil Procedure Section 1021.5 upon
15 judgment in its favor.

16 WHEREFORE, Defendant prays as follows:

- 17 1. That Plaintiff take nothing herein;
18 2. For reasonable attorney's fees;
19 3. For costs of suit herein; and
20 4. For such other and further relief as the Court may deem just and proper.

21 JACKSON LEWIS LLP

22
23 Dated: September 14, 2007

By: 

Mitchell F. Boomer

JoAnna L. Brooks

Dylan B. Carp

Attorneys for Defendant

SIEMENS PRODUCT LIFECYCLE
MANAGEMENT SOFTWARE INC.

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